



POLICY FOR SCHOOL COMPLAINTS

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EARLHAM PRIMARY SCHOOL

School Complaints Policy

Purpose

To establish a procedure for dealing with complaints relating to the school and to any community facilities or services that the school provides, as required by section 29(1)(a) of the Education Act 2002. In establishing and publicising these arrangements the Governing Body will have regard to guidance given by the Secretary of State. A copy of Section 29 is given in Annex F.

What is a complaint?

There is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Concerns ought to be handled without the need for formal procedures. In most cases the class teacher will receive the first approach and hopefully, staff will be able to resolve issues on the spot.

Formal procedures will need to be used when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

General Principles

This Complaints Policy will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the school's senior management team so that services can be improved

Principles of investigation

Principals of investigation to be followed in this procedure are:

- To establish what has happened so far, and who has been involved
- To clarify the nature of complaint and what remains unresolved
- To meet with the complainant or contact them (if unsure or further information is necessary)
- To clarify what the complainant feels would put things right
- To interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- To conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of the interview(s)

Recording Complaints

- A) A concern may be made in person, by telephone or in writing. If the matter is resolved, no further record to be made.
- B) If a concern cannot be resolved informally, then the complainant must be asked to put their concern in writing, if possible on a complaint form (Annex A). A brief note of meetings and telephone calls must be kept and a copy of written response added to the record. The school will record the progress of the complaint and the final outcome.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not identify individuals. The head teacher will provide information on an annual basis to the governing body. This will indicate the number of types of recorded complaints, level at which considered and outcomes.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school governing body is a useful tool in evaluating a school's performance.

There is a legal requirement for the Complaints Procedure to be published.

Details of the complaints procedure are included in the school prospectus.

The complaints leaflet provided by the LA is available to parents. Posters informing parents of the procedure are displayed around the school

Resolving Complaints

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure helps identify areas of agreement between parties. It is also important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaint Outcomes

At each stage in the procedure, the school and/or governing body will seek to resolve the complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to give one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that steps will be taken so that the event complained of is unlikely to recur
- An explanation of the steps that have been
- An undertaking to review school policies in the light of the complaint, if necessary.

However, it may be that there are other outcomes as follows:

- There is insufficient evidence to reach a conclusion, so that the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or any disciplinary procedures will not be released]
- The matter has been fully investigated and that the appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The Stages of Complaints

This Complaint Procedure has well-defined stages. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved. Also, further investigations may be required by the head teacher after a meeting with the complainant.

Three stages are set out:

Stage 1

Concern received by staff member concerned

The person expressing the concern should contact the class teacher involved.

This may be by letter, phone or in person. Many concerns can be resolved by simple clarification or the provision of information and hopefully most concerns will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the head teacher or deputy head teacher.

An unreasonable refusal by the complainant to attempt an informal resolution may result in the process being terminated.

Stage 2

Complaint heard by head teacher or representative

If the complaint is not resolved at stage 1, the complainant must either put the complaint in writing and pass it to the head teacher, or ask for a meeting with the head teacher. The head teacher may delegate dealing with the complaint to a senior member of staff. It will take place within 5 working days, other than in exceptional circumstances.

If writing, the complainant should include details which might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the head teacher may meet with the complainant to clarify the complaint.

The head teacher will collect such other evidence as is deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish. That person should not be someone who is directly involved with the complaint.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome, within 5 working days. The complainant will be told that the consideration of their complaint by the head teacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Complaints Committee of the Governing Body review the complaint. The request should be made in writing on the complaint form to the chair of governors, via the school.

Stage 3

Complaint reviewed by Governing Body's Complaints Committee

This review of process followed by the head teacher shall be conducted by the Governors' Complaints Committee. The matter will be considered through written and oral submissions. The committee aims to complete this process within 15 working days.

The Composition of the Complaints Committee

Individual complaints should never be considered by the whole Governing Body, as this could compromise the impartiality of any committee set up for a subsequent disciplinary or grievance meeting concerning a member of staff.

The governing body will nominate a number of members to form a committee with delegated powers to hear complaints at that stage. The committee can be drawn from the nominated members (this can be all governors other than those employed at the school) and must consist of at least three or five people.

It is important that stage 3 is independent and impartial and that it is seen to be so. No governor may sit on the committee if they have a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The committee should appoint a chair, if the chair of the governing body is not a member.

A checklist for a committee meeting is in Annex H. The process set out is based on the head teacher and complainant being present at the same time. There are occasions when this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complainant will be seen first and the head teacher at a later stage.

The Remit of the Complaints Committee

The committee's terms of reference will be:

- Considering individual appeals
- Making recommendations on policy as a result of complaints.

The committee can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to seek to ensure that problems of a similar nature do not recur.

The head teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the Governing Body. Therefore the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

The Role of the Clerk

The committee considering complaints must be clerked as it has delegated powers. The role of the clerk is to record the proceedings. This can be carried out by one of the governors.

The school should;

- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the meeting
- Meet and welcome the parties as they arrive meeting at the meeting (if oral submissions)
- Notify all parties of the committee's decision.

The Role of the Chair of the Committee

The role of the chair of the committee is to ensure that

- The correct procedure has been followed so that a governors' meeting is the next stage
- Arrangements are made for meeting the complainant
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage

- The remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of facts are made
- Written material is seen by all parties. If new evidence arises it would be useful to give all parties the opportunity to consider and comment on it.
- The committee is open minded and acts independently

Specifically in relation to oral submissions, the chair of the committee should ensure that:

- Parents and others who may not be used to speaking at such a meeting are put at ease.
- The meeting is conducted in an informal manner with each party treating each other with respect and courtesy
- Each side is given the opportunity to state their case and ask questions.

Written submissions

The committee will receive written evidence from the complainant.

The committee will then invite the head teacher, as appropriate, to make a response to the complaint.

The committee may also have access to the records kept of the process followed.

Oral submissions

There are several points which governors sitting on a Complaints Committee need to remember:

- a) The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will demonstrate to the complainant that their complaint has been taken seriously.
- b) The committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. As complainants, parents often feel emotional when discussing an issue that affects their child. The chair of the committee will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

- c) Extra care needs to be taken when the original complainant is a pupil. It is expected that at the governor stage, pupils will be represented by their parents. Agreements should be established between the chair and the parent which parts of the meeting, if any, the child need to attend

A checklist for conducting The Committee is in Annex H.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant and the head teacher are notified of the committee's decision, in writing, usually within 5 working days of the committee reaching a decision.

The decision may be:

- There is insufficient evidence to reach a conclusion, so that the complaint cannot be upheld
- The complaint is not substantiated by the evidence
- The complaint was substantiated in part or in full but the procedural failure did not affect the outcome significantly
- The complaint as substantiated in part or in full and the governing body will take steps to prevent a recurrence or to rectify the situation [where practicable].

Model letters for notifying the decision are given as Annex D and Annex E.

Additional information

Anonymous Complaint

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

Raised more than 3 months after

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, except in exceptional circumstances.

Vexatious Complaint

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the

complainant tries to re-open the issue, this will be deemed a vexatious complaint and the chair of the governing body will inform them in writing that the procedure has been exhausted and that the matter is now closed. A sample letter in Annex C.

Time Limits

Complaints need to be considered and resolved efficiently as possible. This Complaints Procedure includes realistic time limits for each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. Investigation of any complaint will begin within 5 working days of receipt.

School Complaint Form

Please complete this form and return it to the school office. You will receive an acknowledgement of its receipt and information about the next stage of the procedure.

Your name:

Your relationship with school [e.g. parent of a pupil on the school's roll]:
.....

Your Child's name:

Your Address:

Daytime telephone number.....

Evening telephone number.....

Please give details of your complaint, [including dates, names of witnesses etc...],
to allow the matter to be fully investigated

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of Additional pages attached

What action, if any, have you already taken to try to resolve your complaint?
[i.e.who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Statement in School Prospectus

Complaints

Usually the best way to deal with complaints is to talk to the class teacher or a member of the school leadership team. In cases of difficulty, we have a complaints procedure which has been agreed by Earlham's governors. A copy of this is available from the school office.

Model Letter – Complaint Not Heard

Nb. This letter is a prompt only and must be adapted to the individual situation.

Dear,

Following receipt of your recent communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaint Procedure. The reason for this is that:

- You have not identified any specific actions of which you might complain
- Your complaints are presented as conclusions rather than specific actions of which you can complain
- The complaints that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available
- The substance of your complaint has been addressed under this procedure
- You have not identified any potential sources of evidence which might allow this matter to be investigated.
- The school offered to resolve this matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of stage 3 of the procedure by writing to the Clerk of the Governing Body, care of the school.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Model Letter – Decision Notification

Nb. This letter is a prompt only and must be adapted to the individual situation.

Dear,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence that

OR

- The concern was substantiated in part/in full, as..... The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

c.c. Head Teacher
Head Teacher/ Chair of Complaints Committee

Model Letter – Review Outcome

Nb. This letter is a prompt only and must be adapted to the individual situation.

Dear,

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Complaint Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

OR

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaint Committee has concluded that The Head teacher followed the Complaints Procedure except.....

Therefore, the following action will be taken.....

Once this action has been completed the school will consider the matter to be closed.

OR

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Committee has concluded that the Head Teacher followed the General Complaints Procedure except that.....

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Committee

c.c. Head Teacher

Annex F

Section 29 of the Education Act 2002

Section 29 of the Education Act 2002 requires that:

- (1) The Governing Body of a maintained school (including a maintained nursery school) shall-
 - (a) Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) Publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by the local education authority and is not a special school;

Three Stage Complaints Procedure

We hope generally to resolve your concerns informally. If we have been unable to do so you should take the following action:

Stage one – talk to the teacher concerned

First of all, talk to the teacher concerned. Difficulties can often be sorted out very quickly in this way.

The best person is the class teacher. If you are not sure who to contact and how, ask at the school office.

You may need an appointment particularly if your complaint is complicated, or there are strong feelings on either side. In any case, please do not try to see the class teacher during the school's teaching day when they are taking or preparing lessons.

We hope you can reach an agreement that satisfies you and the school. If you cannot, then you can go to stage two.

Stage two – meet the head teacher

The complaint goes to the head teacher. This can only happen if you go through stage one. We do recognise however that some complaints may go straight to the head teacher because of the nature of the seriousness of your concerns.

The school office will arrange for you to meet with the head teacher or another senior member of staff. Afterwards the school will contact you saying what it has decided. We hope the decision will satisfy you. However, if you cannot accept what the school says, then you can go to stage 3.

The meeting with the head teacher will take place within 5 working days of your request. Then the school will contact you within 5 working days of the meeting.

Stage 3 – go to the governors

The complain goes to the school's governors. This can only happen if you have been through stage one and stage two. Within 10 working days of getting the head teacher's decision, you should write to the chair of governors on the complaint form obtainable from the school office, care of the school office.

A committee of governors will review your complaint. Afterwards, they will write back telling you their conclusions. We aim to complete this stage within 15 working days.

Checklist for a Governors Complaints Committee

The committee needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give evidence.
- After introductions the complainant is invited to explain their complaint, and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each is spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then asked to sum up their complaint.
- The head teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides the issues.
- The chair explains that both parties will hear from the committee within a set time scale.

The process set out above is based on the head teacher and complainant being present at the same time. There are occasions where this is not the appropriate arrangement to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the head teacher at a later stage. At a separate meeting with the complainant, the principles set out above should be followed